

1 **MADEL PA**

2 Christopher W. Madel, MN Reg. No. 230297
3 Jennifer M. Robbins, MN Reg. No. 387745
4 Cassandra B. Merrick, MN Reg. No. 396372
5 800 Hennepin Avenue
6 800 Pence Building
7 Minneapolis, MN 55403
8 Telephone: 612-605-0630
9 Facsimile: 612-326-9990
10 cmadel@madellaw.com
11 jrobbins@madellaw.com
12 cmerrick@madellaw.com

13 *Attorneys for Defendant Portfolio Recovery
14 Associates, LLC*

15 **IN RE PORTFOLIO RECOVERY
16 ASSOCIATES, LLC
17 TELEPHONE CONSUMER
18 PROTECTION ACT
19 LITIGATION**

20 Case No.: 11-MD-02295-JAH-
21 BGS

22 **MOTION TO DISMISS
23 BUKVICH MEMBER
24 ACTION WITH PREJUDICE**

25 This Document Relates to *BUKVICH*
26 *V. PORTFOLIO RECOVERY*
27 *ASSOCIATES LLC*, Case No.: 3:15-
28 cv-01349

29
30 Defendant Portfolio Recovery Associates, LLC, (“PRA”) through its
31 counsel, respectfully moves for the Court to dismiss *Bukvich v. Portfolio Recovery*
32 *Associates LLC*, Case No. 3:15-cv-01349 (“the *Bukvich* action”), including all
33 claims and counterclaims that were or might have been asserted in the *Bukvich*
34 action, with prejudice and with each party to bear its own costs and attorneys’ fees.

On April 2, 2019, counsel for Plaintiff Mildred Bukvich filed a Notice of Suggestion of Death relating to Ms. Bukvich. (*See* 3:15-cv-01349-JAH-BHG, Dkt. No. 65.) Since that time, more than 90 days ago, no motion for substitution has been made by any party or by the decedent’s successor or representative. *See* Fed. R. Civ. P. 25(a)(1). Because no motion has been made within 90 days after that statement noting the death, the action by Bukvich “must be dismissed.” *Id.*

According, PRA respectfully requests the Court dismiss the *Bukvich* action by valid order pursuant to this Motion to Dismiss with Prejudice and to direct the Clerk of this Court to transmit a copy of the same to the Clerk of the United States Judicial Panel on Multidistrict Litigation. *See* J.P.M.L. Rule 10.1 (“Where the transferee district court terminates an action by valid order, including but not limited to summary judgment, judgment of dismissal and judgment upon stipulation, the transferee district court clerk shall transmit a copy of that order to the Clerk of the Panel. The terminated action shall not be remanded to the transferor court and the transferee court shall retain the original files and records unless the transferee judge or the Panel directs otherwise.”).

DATED: July 2, 2019

MADEL, PA

By: *Jennifer M. Robbins*
Christopher W. Madel (230297)
Jennifer M. Robbins (0387745)
Cassandra B. Merrick (396372)

800 Pence Building
800 Hennepin Avenue
Minneapolis, MN 55403
Telephone: 612-605-0630
Fax: 612-326-9990
cmadel@madellaw.com
jrobbins@madellaw.com
cmerrick@madellaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Cassandra B. Merrick, counsel for Defendants, hereby certify that service of the foregoing MOTION TO DISMISS WITH PREJUDICE AND PROPOSED ORDER was filed electronically and sent via e-mail through the CM/ECF system to the following:

Amanda J. Allen

Amanda@theconsumerprotectionfirm.com

Rex C. Anderson

mied@rexandersonpc.com

Seth Andrews

sandrews@kennethhiller.com

David N. Anthony

David anthony@troutmansanders.com

Randy Jiro Aoyama

raoyama@hinshawlaw.com

Mauricio Arcadier

office@wamalaw.com; arcadier@wamalaw.com

Michael Ronald Ayers

mayers@hinshalaw.com

Paul Mathew Bach

paul@bachoffices.com

Penelope N. Back

ppbach@ultrajon.com

Adrian R. Bacon

classmate@attwncsrf.usc.edu and 800-338-0200

M-1 1Ω R-1

1 mbadwan@sulaimanlaw.com
2 Stephen J. Bagge
3 sbagge@cjblaw.com
4 Avanti Deepak Bakane
5 abakane@gordonrees.com
6 Phillip T. Barrett
7 pbarrett@gordonrees.com
8 Keith J. Barnett
9 Keith.barnett@sutherland.com
10 Michael T. Berger
11 mberger@hinshawlaw.com
12 Scott C. Borison
13 usdc@legglaw.com
14 Brian Lewis Bromberg
15 brian@bromberglawoffice.com;
16 jonathan@bromberglawoffice.com;
17 brian.bromberg@gmail.com
18 Maxie Broome Jr.
19 mbroomelaw@aol.com
20 Lauren M. Burnette
21 lmburnette@mdwcg.com
22 Floyd W. Bybee
23 Floyd@bybeelaw.com
24 Clifford Alva Phillip Carlson
25 cc@cliffcarlsonlaw.com
26 Gus M Centrone
27 gcentrone@centroneshrader.com

1 Hyung Sik Choi
2 hyung@choiandfabian.com
3 Jonathan G. Cohen
4 jgcohen@yahoo.com
5 Jennifer M. Spiegel Colson
6 jcolson@jennifercolsonpa.com
7 Cathleen M. Combs
8 ccombs@edcombs.com
9 Timothy Condon
10 tim@timcondon.net
11 Lindsey A.L. Conley
12 lconley@hinshawlaw.com
13 Maximiliano D. Couvillier, III
14 mcouvillier@blacklobellolaw.com
15 Edward C. Cutlip, Jr
16 ecutlip@kerr-russell.com
17 Marwan R. Daher
18 mdaher@sulainanlaw.com
19 Ronald Daniels
20 ron@dlawlc.com
22 James Lee Davidson
23 jdavidson@gdrlawfirm.com; jjohnson@gdrlawfirm.com
24 Joseph S. Davidson
25 jdavidson@sulaimanlaw.com
26 Marissa I. Delinks
27 mdelinks@hinshawlaw.com
28 Deirdre O. Dexter

1 dexter@barrowgrimm.com
2 Joshua C. Dickinson
3 jdickinson@spencerfane.com
4 Thomas R. Dominczyk
5 trd@mnlawpc.com
6 Holly Elizabeth Dowd
7 hollyedowd@yahoo.com
8 Jon Paul Dubbeld
9 jdubbeld@dispartilaw.com
10 Chad Vinson Echols
11 chad.echols@theecholsfirm.com
12 Daniel A. Edelman,
13 dedelman@edcombs.com, courtecl@edcombs.com
14 Caren D. Enloe
15 cenloe@smithdebnamlaw.com; jroach@smithdebnamlaw.com
16 Veronika Fabian
17 veronika@choiandfabian.com
18 Lawrence A. Farese
19 lafarese@rkmc.com
20 Andrew Jay Feldman
21 Andrew@swattslaw.com
22 Barbara Fernandez,
23 bfernandez@hinshawlaw.com
24 Glenn M. Fjermedal
25 gfjermedal@davidsonfink.com
26 Monica L. Haddad Forbes
27 mforbes@mcguirewoods.com

1 Paul Robert Fowkes
2 pfowkes@DFHlawfirm.com
3 Brett Freeman
4 bfecf@bankruptcypa.com
5 Rachel R Friedman
6 rfriedman@burr.com
7 Todd M. Friedman
8 tfriedman@attorneysforconsumers.com; abacon@toddflaw.com;
9 ecampany@toddflaw.com;
10 Erika.campany@gmail.com; mgeorge@toddflaw.com;
11 twheeler@toddflaw.com; yoel.hanohov@toddflaw.com;
12 nadia.lotun@toddflaw.com; paralegal5@toddflaw.com
13 Todd Friedman
14 Todd.friedman@kirkland.com
15 William John Gadd
16 wjg@mazgadd.com
17 James Patrick Galvin
18 james@twbglaw.com
19 Joseph P. Garin
20 nvecf@lipsonneilson.com
21 John Philip Gaset
22 jgaset@broadandcassel.com
23 Michael A. Geibelson
24 mgeibelson@robinskaplan.com; lbryant-wilson@robinskaplan.com;
25 sduenas@robinskaplan.com
26 Amanda Lyn Genovese
27 Amanda.genovese@troutmansanders.com

1 Hans Germann
2 hgermann@mayerbrown.com
3 Amy Lynn Bennecoff Ginsburg
4 aginsburg@creditlaw.com; teamkimmel@creditlaw.com
5 Jeremy M Glapion
6 jmg@glapionlaw.com
7 Bert Thomas Golden
8 btg@bthomasgolden.com
9 Octavio Gomez
10 tgomez@forthepeople.com
11 Tara Leigh Goodwin
12 tgoodwin@edcombs.com
13 Jessica A. Green
14 jgreen@lipsonneilson.com
15 Francis Richard Greene
16 fgreen@edcombs.com; courtecl@edcombs.com; jgalindo@edcombs.com
17 Michael Lewis Greenwald
18 mgreenwald@gdrlawfirm.com; jdavidson@gdrlawfirm.com;
19 aradbil@gdrlawfirm.com
20 Paul K. Guibao
21 pguibao@attorneysforconsumers.com; pguibao@gmail.com;
22 ecf@attorneysforconsumers.com
23 Rami Nicola Haddad
24 rnkhaddad@portfoliorecovery.com
25 James J. Haller
26 Belleville@tbcwam.com
27 David Palmer Hartnett

1 dhartnett@hinshawlaw.com
2 Ryan Christopher Hasanbasic
3 ryan@disparilaw.com
4 Brian J. Headley
5 bjheadley@yahoo.com
6 Patrick J. Helwig
7 phelwig@lawpoint.com
8 Kevin Hernandez
9 khernandez@blacklobellolaw.com; Kevin@kevinhernandezlaw.com
10 Adam Theodore Hill
11 ahill@consumerlawcenter.com
12 Samuel M. Hill
13 sam@samhilllaw.com; pamg@samhilllaw.com; chris@samhilllaw.com
14 Kenneth R. Hiller
15 khiller@kennethhiller.com
16 Sara F. Holladay-Tobias
17 sfhollad@mcguirewoods.com
18 Peter A. Holland
19 peter@hollandlawfirm.com
20 Kersten Holzhueter
21 kholzhueter@spencerfane.com
22 Shireen Hormozdi
23 shormozdi@consumerlawcenter.com
24 Nathan L. Horton
25 nhorton@portfoliorecovery.com
26 William Pearce Howard
27 whoward@forthepeople.com

1 Tammy Gruder Hussin
2 tammy@hussinlaw.com; cjohnson@hussinlaw.com
3 Wedad Ibrahim
4 wedadi@michiganconsumerlaw.com
5 Brian Johnson
6 bj@kccconsumerlawyer.com
7 Lira A. Johnson
8 Lira.johnson@dinslaw.com
9 Matthew Brady Johnson
10 mbjohnson@mdwcg.com
11 Matthew J. Kalmanson
12 mjk@hartwagner.com
13 Joshua R. Kersey
14 JKersey@ForThePeople.com
15 Stephen W. King
16 sking@kingandmurray.com
17 David H. Krieger
18 dkrieger@hainesandkrieger.com
19 James O. Latturner
20 jlatturner@edcombs.com; courtecl@edcombs.com
21 Jared Michael Lee
22 jlee@forthepeople.com; jmlpleadings@forthepeople.com;
23 jsharpe@forthepeople.com; mhoilett@forthepeople.com;
24 mrathbun@forthepeople.com
25 Julia Veronica Lee
26 jvlee@rkmc.com
27 Ryan Lee

1 ryan@ryanleepllc.com; ryanleepllc@gmail.com
2 Alan Daniel Leeth
3 aleeth@burr.com; sfoshee@burr.com
4 David B. Leibowitz
5 dleibowitz@uprightlaw.com
6 Sergei Lemberg
7 slemburg@lemburglaw.com; cdemaio@leberglaw.com
8 Patric A. Lester
9 pl@lesterlaw.com
10 Ryan S. Lett
11 rlett@fbtlaw.com
12 David B. Levin
13 dlevin@toddflaw.com
14 Kevin L. Lewis
15 kevin@floridaloanlawyers.com
16 Vitaly Libman
17 vlibman@hinshawlaw.com
18 Donald S. Litman
19 PA_Law2@yahoo.com
20 Joseph C. LoTempio
21 jlotempio@dellutrilagroup.com
22 Bret Leon Lusskin, Jr
23 blusskin@lusskinlaw.com
24 Ian B. Lyngklip
25 ian@michiganconsumerlaw.com
26 David J.S. Madgett
27 dmadgett@madgettlaw.com

1 Robbie L. Malone
2 rmalone@rmalonelaw.com
3 Joseph R. Manning, Jr.
4 info@manninglawoffice.com
5 Michael John Manning
6 mike@manninglawoffice.com
7 Jeffrey David Mapes
8 jeff@mapesdebt.com
9 Ari Hillel Marcus
10 Ari@marcuszelman.com
11 Eugene Xerxes Martin, IV
12 xmartin@mamlaw.com; jayala@mamlaw.com; junger@mamlaw.com;
13 kmckinnon@mamlaw.com; nhernandez@mamlaw.com
14 Joseph Mauro
15 JoeMauroesq@hotmail.com
16 Karen L. Mayfield-Jones
17 kamjones@portfoliorecovery.com
18 Liana Mayilyan
19 lmayilyan@snllp.com; ccogbill@snllp.com; paralegal@snllp.com
20 Alicia McElwaine-Leto
21 aleto@wademillerlaw.com
22 Daniel John McGarry
23 dmcgarry@sulaimanlaw.com
24 Lara E. McGuire
25 lara@theconsumerprotectionfirm.com
26 Keith Steven McGurgan
27 kmcgurgan@portfoliorecovery.com

1 Marshall S. Meyers
2 ECF@attorneysforconsumers.com; mmeyers@attorneysforconsumers.com
3 Wade A. Miller
4 wmiller@wademillerlaw.com
5 Chris R. Miltenberger
6 chris@crmlawpractice.com
7 David Patrick Mitchell
8 david@mitchellconsumerlaw.com; david@maneygordon.com;
9 v.marrero@maneygordon.com
10 Clayton S. Morrow
11 cmorrow@allconsumerlaw.com
12 Shilee T. Mullin
13 smulllin@spencerfane.com
14 Robert W. Murphy
15 rwmurphy@lawfirmmurphy.com
16 Marilyn C. Naiman-Kohn
17 mnk@simanlaw.net
18 Philip Bao Nghiem
19 philn@manninglawoffice.com
20 Jeff Neuenschwander
21 jeff@sllawfirm.com
22 Anthony C. Norman
23 Anthony@fight13.com
24 Tearsa Storms Olson
25 tolson@attorneysforconsumers.com
26 Victoria Lea Orze
27 vorze@dickinsonwright.com

1 Ethan S. Ostroff
2 Ethan.ostroff@troutmansanders.com
3 Scott David Owens
4 scott@scottdowens.com; Patrick@scottdowens.com;
5 don@scottdowens.com; shannon@scottdowens.com;
6 andree@scottdowen.com
7 Katherine Lind Parker
8 Katherine.parker@usdoj.gov; ginger.stacy@usdoj.gov;
9 efile.dkt.civ@usdoj.gov; Leticia.adams@usdoj.gov
10 Yvette.macias@usdoj.gov
11 Benjamin A. Parker
12 benparker@johnpricelawfirm.com; benparker416@gmail.com
13 David George Peltan
14 davidpeltan@peltanlaw.com
15 Craig K. Perry
16 craig@craigperry.com; info@1stoplawfirm.com
17 Ryan D. Peterson
18 rpeterson@madgettlaw.com
19 Julie A. Petrik
20 Julie@michiganconsumerlaw.com
21 William P. Pipal
22 bill.pipal@troutmansanders.com
23 Dominic M. Pontello
24 dominicpontello@gmail.com
25 Emily Prentice
26 Emily.prentice@kattenlaw.com
27 Jim Gerhart Price

1 lawofficesofjgp@sbcglobal.net; deltalawgroup@yahoo.com
2 Brandon J. Rafool
3 bjr@brandonrafool.com
4 Michael Rapp
5 mr@kccconsumerlawyer.com
6 Jason M. Renner
7 Jason.renner@dinsmore.com
8 Walt D. Roper
9 walt@roperfirm.com
10 Emily Yandle Rottman
11 erottmann@mcguirewoods.com
12 Carlo Sabatini
13 ecf@bankruptcypa.com
14 Syed Ali Saeed
15 ali@sllawfirm.com
16 David M. Schultz
17 dschultz@hinshawlaw.com; courtfiling@hinshawlaw.com;
18 jweller@hinshawlaw.com; izielinski@hinshawlaw.com
19 Carl Schwartz
20 carl@michiganconsumerlaw.com
21 Nathan Andrew Searles
22 nasearles@portfoliorecovery.com
23 Felix Henri Sharpe, II
24 felix.sharpe@dinsmore.com
25 Brian L. Shrader
26 bshrader@centroneshrader.com
27 Robert E. Sickles

1 rsickles@hinshawlaw.com
2 Sundeep S. Sidhu
3 sssidhu@portfoliorecovery.com
4 Steven A. Siman
5 sas@simanlaw.com
6 Burke Smith
7 Burke@burkesmithlaw.com
8 George R. Smith, Jr.
9 g.smith1961@att.net
10 Robert Franklin Springfield
11 fspringf@burr.com
12 Scott Stamatakis
13 service@myinjury.com
14 Alan J. Stecklein
15 aj@kccconsumerlawyer.com
16 Brandon Stein
17 bstein@hinshawlaw.com
18 Kyle Steinmetz
19 ksteinmetz@mayerbrown.com
20 David A. Stella
21 dstella@kerr-russell.com
22 Max Story
23 max@maxstorylaw.com
24 Howard J. Strickland, Jr.
25 Jay.strickland@jonescork.com
26 Nathan D. Sturycz
27 Nathan@swattslaw.com; shelly@swattslaw.com

1 Ahmad Tayseer Sulaiman, First
2 Ahmad.sulaiman@sulaimanlaw.com
3 Omar Tayseer Sulaiiman
4 osulaiman@sulaimanlaw.com
5 Russell Snow Thompson, IV
6 rthompson@attorneysforconsumers.com
7 Jeffrey Alan Topor
8 jtopor@snllp.com; ccogbill@snllp.com
9 Emanwel Josef Turnbull
10 eturnbull@hollandlawfirm.com
11 Henry A. Turner
12 hturner@tloffices.com; awallace@tloffices.com;
13 Nicholas Wayne Tedford
14 ntedford@craigzlaw.com
15 Katherine Hannah Tresley
16 ktresley@hinshawlaw.com
17 Andrew T. Velonis
18 andrewv@wzlaw.org
19 Alexander S. Vesselinovitch
20 avesselinovitch@kattenlaw.com
21 Michael J. Vitoria
22 mvitoria@forthepeople.com
23 Suren Weerasuriya
24 sweerasuriya@attorneysforconsumers.com
25 Lisa R. Wilcox
26 lwilcox@wilcoxlawpa.com
27 Steven R. Zahn

1 szahn@portfoliorecovery.com
2 Steven Zakharyayev
3 steven@floridaloanlawyers.com
4 Michael Andrew Ziegler
5 mike@zieglerlawoffice.com
6 Mary Catherine Zinsner
7 mary.zinsner@troutmansanders.com
8

9 The Word version of the Proposed Order was submitted via email to the
10 Honorable John A. Houston and was also emailed to the above-listed counsel.
11

12 DATED: July 2, 2019

MADEL PA

14 By: s/ Cassandra B. Merrick
15 Cassandra B. Merrick (396372)

16 800 Pence Building
17 800 Hennepin Avenue
18 Minneapolis, MN 55403
19 Telephone: 612-605-0630
20 Fax: 612-326-9990
cmerrick@madellaw.com
Attorney for Defendant